

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 DJIBOUTI 001071

SIPDIS

For AF DAS Donald Yamamoto
For AF/EX Virginia Milhous
For OBO/AM Franklin White
For L/AF
For DS/IP/ITA

E.O. 12958: N/A

TAGS: PREL AMGT DJ

SUBJECT: REQUEST FOR COMPENSATION FOR VACANT BUILDING
ACROSS STREET FROM EMBASSY COMPOUND

1.(U) National Security Service (NSS) Director, Hassan Said Khaireh passed to Ambassador in late September a copy of a letter he said had been sent to DAS Don Yamamoto by Houssein Mahmoud, an attorney acting on behalf of several Djiboutian clients who are owners of "Soleillet", an unoccupied building directly across the street from the current embassy compound. The letter relates to the owners' desire for "compassion and compensation" ostensibly for "losses" stemming from what the attorney claims was a U.S. Embassy-mandated evacuation of the building following the terrorist attacks against the U.S. in September 2001.

12. (U) Ambassador advised Hassan Said that the Embassy in Djibouti had no information at all on the circumstances of the evacuation of the building in question. She told the NSS Director that it would appear, however, that any exercise of the type described would have had to have been a Government of Djibouti decision and undertaking, and not within the purview of the U.S. Embassy. Hassan Said disagreed, stating that while the evacuation was carried out by Government of Djibouti authorities, it was done so at U.S. insistence and direction.

13. (U) We are providing for AF, OBO and L the text of the letter from the attorney for the building owners, as passed to us by Hassan Said. There is the possibility that the owners will elevate this matter to the local courts, but this is unclear at the moment. Post would appreciate guidance from the Department on how to respond, if the Department wishes to respond at all.

14. (U) Begin text of letter:

M. Houssein Mahmoud
Director
KAMAJ, Agence Immobiliere
Tel: (253) 35-40-91
Fax: (253) 35-40-92
Djibouti

June 8, 2005

HE DONALD YAMAMOTO
Deputy Assistant Secretary
Bureau of African Affairs
U.S. State Department
Washington, DC
Fax: 00-1-202-637-6301
00-1-202-663-0510

Subject: Appeal for compassion and compensation

Your Excellency,

I would like to take this opportunity to kindly request your assistance in resolving the compensation issue of the owners of the building known as Soleillet located across the street from U.S. Embassy compound in Djibouti.

As you recall, the Soleillet building was evacuated from its occupants and the main road leading to the Embassy blocked by the National Security Services in October 2001, right after the criminal attacks on the World Trade Center, to strengthen the safety and security of the U.S. Mission in Djibouti.

As you know, the Soleillet building juts out over the Embassy compound and anyone standing almost anywhere in the Embassy was vulnerable to an attack launched from Soleillet. The evacuation of the building helped

enhance the overall security measures, significantly reduced surveillance activities and prevented potential terrorist attacks.

These security measures were taken during your tenure as Ambassador in Djibouti to bolster the security posture and provide safe and secure environment to the Mission with the understanding and implicit accord that the U.S. Government will compensate the owners of the building.

I have been trusted by all owners to try to facilitate the resolution of this issue and I would like to share with you the need for compassion and compensation for those who have been dispossessed from their properties.

On September 14, 2004, I met the U.S. Ambassador, HE Madame Ambassador Marguerita Ragsdale, to discuss avenues to find an adequate solution to settle the issue. Following that meeting and upon the Ambassador request, we submitted to the Ambassador a document detailing the value of the building with the hope that the U.S. Government will put to rest this issue. We express our deepest gratitude to HE Madame Ambassador Marguerita Ragsdale for her outstanding effort to advance the resolution of this issue.

The owners of the building understood the need to evacuate their properties, they packed their belongings on a very short notice in solidarity with the American people during a time of a major crisis and heightened threat against U.S. interests and all peace and freedom loving people. After 3 years and 7 months most of the property owners are still too humble to complain but they can't understand the lack of compensation for the loss of their homes. Few of them contemplate filing a lawsuit against the Government of Djibouti but they believe that the U.S. Government is morally responsible for their misfortune.

The lack of compensation threw the owners of Soleillet building into disarray. The decision to confiscate their properties cracked the very foundation of their economy (lost revenues from rents) and crushed the small community that lived there for decades. Most of them are in a desperate state of mind. They feel humiliated and concerned about their future. During the recent presidential election, some voted to "punish" the government they feel has failed them (that has taken away their homes without proper compensation). Many are voicing their disappointment vis-a-vis the U.S. Government without questioning their support of the war on terror in which their country is proudly playing a major role.

Please allow me to submit to you two proposals that have been put forward by the property owners:

- The first solution: the U.S. Government rents the building for 34 320 000 Djibouti Francs or \$US 193 898 per year.
- The second solution: the U.S. Government purchase the building for the amount of 255 698 978 Djibouti Francs or \$US 1 444 626.

With either solution, property owners claim the payment of rents accumulated over the period from October 2001 to May 2005 and thereafter until a final solution is agreed upon (U.S. Government purchases the building, the U.S. Embassy moves to the new Haramous site, ownership of the building is returned to owners, etc.).

Unpaid accumulated rents are estimated to:

Average rent per apartment of 130 000 FDJ x 22 apartments: 2 860 000 FDJ x 12: 34 320 000 FDJ yearly rent.

3 years and 7 months rents: 122 980 000 FDJ or \$US 694 802

We would like to ask you, with all due respect and fond memories of your tenure as U.S. Ambassador to Djibouti to help us settle this issue by providing to Soleillet property owners an adequate compensation for the loss of their homes.

Please find attached a document detailing soleillet real estate status.

With our utmost respect,
Sincerely,

END TEXT

RAGSDALE